Local Government Mandate Statement Kentucky Legislative Research Commission 2018 Regular Session

Part I: Measure Information

Bill Request #: 421
Bill #: _HB 110
Document ID #: 1234
Bill Subject/Title: AN ACT relating to the exploitation of adults.
Sponsor: Rep. Jim DuPlessis
Unit of Government: X City X County Y Urban-County Unified Local
X Charter County X Consolidated Local X Government
Office(s) Impacted: Courts, local law enforcement and jails.
Requirement: X Mandatory Optional
Effect on Powers & Duties: X Modifies Existing X Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

HB 110 amends KRS 209.020 to change the definition of "exploitation" to include obtaining or using controlled substances prescribed to a vulnerable adult or a member of the adult's household. It amends KRS 209.990 to create a Class C felony for that form of exploitation.

The fiscal impact of HB 110 is indeterminate and minimal. The bill effectively creates a new crime which may have a minimal impact on local law enforcement and jails. The costs associated with Class C felony incarcerations and the substance abuse program are described below.

When a court denies bail to a Class C felony defendant, the local government is responsible for incarcerating the defendant until disposition of the case in one of Kentucky's 76 full service jails or four life safety jails. While the expense of housing inmates varies by jail, each additional inmate increases facility costs by an estimated average of \$31.34 per day, which equals the per diem and medical expenses that the

Department of Corrections pays jails to house felony offenders. Class C felons are ineligible for placement in local jails until they are classified at the lowest custody level with 24 months or less to their minimum expiration date or parole eligibility date. The Department of Corrections pays local jails \$31.34 per day to house these Class C felons. Since the per diem pays for the estimated average cost of housing a Class C felon, the per diem may be less than, equal to, or greater than the actual housing cost.

Twenty-three full service jails provide an **in-patient substance abuse program** (**SAP**) to over 1,300 convicted felons and 186 non-state offenders incarcerated in the jails. The estimated average cost of jailing a convicted felon participating in a SAP is \$40.34 per day. This amount is reimbursed by the Department of Corrections and is \$9 more than the estimated average cost of \$31.34 per day reimbursement. Since the \$40.34 per diem pays for the estimated average cost of housing a convicted felon participating in a SAP, the per diem may be less than, equal to, or greater than the actual housing cost.

Part III: Differences to Local Government Mandate Statement from Prior Versions

The Part II section above pertains to the bill as introduced and there are not any prior introduced versions of the bill to complete the Part III section.

 Data Source(s):
 Kentucky Jailers Association, Kentucky Association of Chiefs of Police, Kentucky Sheriffs Association

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 Date: 1/5/18